

WEIL, GOTSHAL & MANGES LLP  
767 Fifth Avenue  
New York, New York 10153  
Telephone: (212) 310-8000  
Facsimile: (212) 310-8007  
Lori R. Fife

Attorneys for Debtors and  
Debtors in Possession

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

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In re	: Chapter 11 Case No.
	:
LEHMAN BROTHERS HOLDINGS INC., <i>et al.</i> ,	: 08-13555 (JMP)
	:
Debtors.	: (Jointly Administered)
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**DEBTOR–APPELLEE’S STATEMENT OF  
ISSUES PRESENTED ON APPEAL AND DESIGNATION  
OF ADDITIONAL ITEMS TO BE INCLUDED IN THE RECORD ON APPEAL**

On July 26, 2010, William Kuntz III (“Appellant”) filed a Notice of Appeal (the “Notice of Appeal”) of the order of the United States Bankruptcy Court for the Southern District of New York (the “Bankruptcy Court”) pursuant to section 363 of title 11 of the United States Code (the “Bankruptcy Code”) and rule 6004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) authorizing the sale of Lehman Brothers Holdings Inc.’s (“Appellee”) limited partnership interest in New Silk Route PE Asia Fund, L.P. [Docket No. 10485], entered on July 15, 2010 (the “Order”).

On August 17, 2010, Appellant filed his Designation of Record and Issues on Appeal (the “Designation of the Record”) [Docket No. 10833].

Appellee hereby files, pursuant to Bankruptcy Rule 8006, the following statement of issues presented on appeal and description of items to be included in the record on appeal in addition to those items designated by Appellant.<sup>1</sup>

**STATEMENT OF ISSUES ON APPEAL**

1. Whether Appellant's appeal of the Order (the "Appeal") should be dismissed under Bankruptcy Rule 8001(a) because Appellant filed the Designation of the Record more than 14 days after he filed the Notice of Appeal?

2. Whether the Appeal is moot by reason of (i) Appellant's failure to seek and obtain a stay of execution of the Order and (ii) the consummation of the sale pursuant to section 363 of the Bankruptcy Code?

3. Whether the Bankruptcy Court committed a plain error of law or an abuse of discretion in authorizing and approving the sale of LBHI's limited partnership interest in a private equity fund to a third party unaffiliated with LBHI, pursuant to section 363 of the Bankruptcy Code and Bankruptcy Rule 6004, after consideration of uncontroverted evidence of a fulsome marketing process, arm's length, good faith negotiations, clear benefits to LBHI's estate and creditors, and the support of the Official Committee of Unsecured Creditors appointed in LBHI's chapter 11 case?

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<sup>1</sup> Appellee reserves the right to amend this designation of additional items to be included in the record on appeal. For items designated, the designation includes all documents referenced within the particular document number, including, without limitation, all exhibits, attachments, declarations, and affidavits related thereto.

**DESIGNATION OF ADDITIONAL  
ITEMS TO BE INCLUDED IN THE RECORD**

<b>Designation Number</b>	<b>Date of Filing</b>	<b>Docket Number</b>	<b>Description</b>
1	6/21/2010	9717	Affidavit of Service of Konstantina Haidopoulos of Epiq Bankruptcy Solutions, LLC
2	6/22/2010	9734	Affidavit of Service of Samuel Garcia of Epiq Bankruptcy Solutions, LLC
3	7/26/2010	10485	Notice of Appeal filed by William Kuntz III
4	8/17/2010	10833	Designation of Contents (appellant) and Statement of Issues

Dated: August 30, 2009  
New York, New York

/s/ Lori R. Fife \_\_\_\_\_  
Lori R. Fife

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